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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,824	09/17/2003	Stephen Palm	BP2610	3426
34399	7590	05/21/2007	EXAMINER	
GARLICK HARRISON & MARKISON			NGUYEN, LONG P	
P.O. BOX 160727			ART UNIT	PAPER NUMBER
AUSTIN, TX 78716-0727			2616	
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			05/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/664,824	PALM, STEPHEN	
	Examiner	Art Unit	
	Long P. Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,5,8,11,13,18,20,21 and 23 is/are rejected.
- 7) Claim(s) 2,4,6,7,9,12,14-17,19,22 and 24-27 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 9/17/2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Drawings

1. Figure 1 and Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 3, 5, 8, 11, 13, 18, 20, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Long (US 2003/0189952) in view of Helms (US 6,678,316).

As for **claim 1, 8, 13 and 23**, Long shows a method for Digital Subscriber Line (DSL) handshaking, the method comprises:

Transmitting, by a remote DSL transceiver **[0078]**, first signals containing even numbered carriers for a predetermined period of time to initiate the DSL handshaking to produce R-ETONES-REQ (**[0079]** Note: synchronize G.hs handshaking);

Detecting, by a central office DSL transceiver (**[0081]** Note: HSTU-R), the R-ETONES-REQ to produce detected R-ETONES-REQ **[0081]**;

Determining, by the central office DSL transceiver, alignment of a hyper frame in accordance with a Time Compression Multiplexing-Integrated Service Digital Network (TCM-ISDN) Timing Reference (TTR) **[0074]**;

Transmitting, by the central office DSL transceiver, first response signals containing odd numbered carriers in accordance with the alignment of the hyper frame to produce C-TONES-TTR **[0081]**;

Acquiring, by the remote DSL transceiver, TTR synchronization in accordance with the C-TONES-TTR; upon acquiring TTR synchronization, transmitting, by the remote DSL transceiver, second signals containing even numbered carriers to produce R-TONE-TTR **[0082]**;

In response to the R-TONE-TTR, transmitting, by the central office DSL transceiver, second response signals containing odd numbered carriers to produce C-GALF1-TTR **[0083]**;

In response to the C-GALF1-TTR, transmitting, by the remote DSL transceiver, third signals containing even numbered carriers to produce R-FLAG1-TTR [0083];

and in response to the R-FLAG1-TTR, transmitting, by the central office DSL transceiver, third response signals containing odd numbered carriers to produce C-FLAG1 [0083].

Long shows initializing and response to handshaking in NEXT and FEXT, but do not shows transmitting initializing and response to handshaking in odd and even carriers. However, Helms shows transmitting from the central office in odd carrier indices and from the remote node in even number indices (Col. 7 line 52-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the handshaking method of Long with the transmission on odd and even carrier of Helms in order to eliminate near end crosstalk.

As for **claim 3, 10 and 20**, Long shows further comprises: subsequent to transmitting the first signals, transmitting, by the remote DSL transceiver, additional first signals from one signaling families to produce R-TONES-REQ [0081].

As for **claim 5 , 11 and 21**, Long shows wherein the acquiring, by the remote DSL transceiver, TTR synchronization further comprises: continue transmitting, by the remote DSL transceiver, the R-ETONES-REQ until the TTR synchronization is acquired [0089].

As for claim 18, Long shows remote Digital Subscriber Line (DSL) transceiver capable of initiating a DSL handshake, the remote DSL transceiver comprises:

processing module [0027];

and memory operable coupled to the processing module, wherein the memory stores operational instructions that cause the processing module to (**[0027] Note: the processor module can be programmed to provide a signal to the receiver, which implies the processor module have the equivalence of a memory to store the program**):

transmit first signals containing even numbered carriers for a predetermined period of time to initiate the DSL handshaking to produce R-ETONES-REQ (**[0079]**)

Note: synchronize G.hs handshaking;

receive first response signals containing odd numbered carriers in accordance with the alignment of a hyper frame to produce C-TONES-TTR **[0081]**;

acquire TTR synchronization in accordance with the C-TONES-TTR **[0082]**;

upon acquiring TTR synchronization, transmit second signals containing even numbered carriers to produce R-TONE-TTR **[0082]**;

receive second response signals containing odd numbered carriers to produce C-GALF1-TTR **[0083]**; and

in response to the C-GALF1-TTR, transmit third signals containing even numbered carriers to produce R-FLAG1-TTR [0083].

Long shows initializing and response to handshaking in NEXT and FEXT, but do not show transmitting initializing and response to handshaking in odd and even carriers. However, Helms shows transmitting from the central office in odd carrier indices and from the remote node in even number indices (Col. 7 line 52-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the handshaking method of Long with the transmission on odd and even carrier of Helms in order to eliminate near end crosstalk.

As for claim 23, Long shows a central office Digital Subscriber Line (DSL) transceiver capable of initiating a DSL handshake, the central office DSL transceiver comprises:

processing module [0027];

and memory operable coupled to the processing module, wherein the memory stores operational instructions that cause the processing module to (**[0027] Note: the processor module can be programmed to provide a signal to the receiver, which implies the processor module have the equivalence of a memory to store the program)**:

Receive first signals containing even numbered carriers for a predetermined period of time to initiate the DSL handshaking to produce R-ETONES-REQ ([0079]
Note: synchronize G.hs handshaking;

Detecting the R-ETONES-REQ to produce detected R-ETONES-REQ [0081];

Determining, by the central office DSL transceiver, alignment of a hyper frame in accordance with a Time Compression Multiplexing-Integrated Service Digital Network (TCM-ISDN) Timing Reference (TTR) [0074];

Transmit first response signals containing odd numbered carriers in accordance with the alignment of the hyper frame to produce C-TONES-TTR [0081];

Receive second signals containing eve numbered carriers to produce R-TONE-TTR [0082];

In response to the R-TONE-TTR, transmit second response signals containing odd numbered carriers to produce C-GALF1-TTR [0083];

Receive third signals containing eve numbered carriers to produce R-FLAG1-TTR 0083];

and in response to the R-FLAG1-TTR, transmit third response signals containing odd numbered carriers to produce C-FLAG1 [0083].

Long shows initializing and response to handshaking in NEXT and FEXT, but do not shows transmitting initializing and response to handshaking in odd and even carriers. However, Helms shows transmitting from the central office in odd carrier indices and from the remote node in even number indices (Col. 7 line 52-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify

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the handshaking method of Long with the transmission on odd and even carrier of Helms in order to eliminate near end crosstalk.

Allowable Subject Matter

3. Claim 2, 4, 6, 7, 9, 12, 14, 15, 16, 17, 19, 22, 24, 25, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

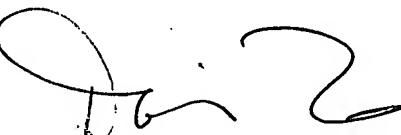
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long P. Nguyen whose telephone number is (571)-272-9740. The examiner can normally be reached on Monday - Thursday 7:30 - 5:00 EST Alternate Friday 7:30-4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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